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09/684,334	10/10/2000	Ryuhei Fujiwara	017661/0168	2181

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FOLEY AND LARDNER
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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 07/27/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/684,334

Applicant(s)

FUJIWARA, RYUHEI

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3 and 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. **Claims 1-9** have been examined.
2. Foreign Priority benefit claimed under Title 35, United States Code, § 119 have been acknowledged.

Information Disclosure Statement PTO-1449

3. The Information Disclosure Statement submitted by applicant on 03/12/2004 and 10/10/2000 (paper number 3 and 4) has been considered. Please see attached PTO-1449.

Specification

4. The disclosure is objected to because of the following informalities: Typo error: examiner suggests the following corrections or clarification of the terms used by Applicant:

- Page 1, line 5, "this" to be changed to - -the- -.
- Examiner suggests deletion of term "laid-open" from line 24 page 1 and line 11 page 2 of the specification.

5. The specification has not been checked to the extend necessary to determine the presence of all possible minor errors (typo and grammatical errors). Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. Applicant is reminded of the duty to fully disclose information under 37 CFR 1.56.

Claim Objections

7. **Claims 2-9** are objected to because of the following informalities: typo error.

Examiner suggests the following corrections:

Claims 2 and 8:

- Replacement of phrase "a" (line 1) with phrase "the".

Claims 3 and 9:

- Replacement of phrase "a" (line 1) with phrase "the".

Claim 4:

- Replacement of phrase "the" (line 14) with phrase "a".

Claim 5:

- Replacement of phrase "a" (line 1) with phrase "the".

Claim 6:

- Replacement of phrase "a" (line 1) with phrase "the".
- Replacement of phrase "the" (line 3, first occurrence) with phrase "a".
- Replacement of phrase "sand" (line 4) with phrase "and".

Claim 7:

- Replacement of "the" (lines 7,8 and 10, first occurrence) with phrase "a".

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. **Claims 1-3** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- **In claim 1**, the "can be.." phrase (line 3) makes the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the "can be..." phrase. It is not clear "can be" is an affirmative statement with respect to claim 1 or not and whether Examiner should consider that the method steps are being executed (narrow claim language) or not (broader claim language).
- Claims 2 and 3 are indefinite and unclear because of their dependency on independent claim 1.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 1-5 and 7-9** are rejected under 35 U.S.C. 102(e) as being anticipated by Reber et al (5,995.105).

As per claim 1 Reber et al (5,995.105) teach a service identification tag (see fig.2 and col.5, lines 59-63 where examiner considers the substrate as the service identification tag) for being used in accessing an information transmission server on the Internet (see fig.2, item 40 that disclose an identification tag; fig.5; fig.11, item 150col.2, lines 50-52 where it disclose accessing internet by navigating to desired location on the internet and the world wide web; col.4, lines 57-60 disclose the transmission of the data over the network and finally col.12, lines 61-65 where it does disclose a server which receives the signal from a network navigation device for access; examiner considers such a server as an information transmission server), comprising: an exclusive graphic pattern that can be recognized

by a human (see fig.2, item 42 and 48 that disclose a graphic pattern, also item 44 that disclose logo where it is recognizable by human; see fig.1, item 14 and 18 that disclose the image is recognizable by human; col.3, lines 63-67 and col.4, lines 1-24 where detailed description of human recognizable graphic pattern such as logo or image is disclosed); and an identification code (see col.3, lines 17-21 where a code or identifying address or data readable by reader machine is considered as identification code by examiner) that can be read by a reading unit (see item 16 and 30 of fig.1 and item 46 of fig.2 where item 46 of fig.2 represent an identification code readable by item 16 and 30 of fig.1 that act as reading unit; col.4, lines 26-46 where identification code such as bar code that is readable by a reader unit is detailed).

As per claim 2 Reber et al (5,995,105) teach said service identification tag (see fig.2, item 40 that disclose an identification tag; col.5, lines 59-63 where examiner considers the substrate as the service identification tag), according to claim 1, wherein: said exclusive graphic pattern is a service mark that is set to be a registered trademark (see fig.2, items 44, 48; fig.3, item 53, 51 or fig.4, item 58 or fig.7, item 82; col.3, lines 63-67 and col.4, lines 1-9 where human recognizable graphic is included in the substrate or (service identification tag) and col.4, lines 14-16 disclose the graphic image could be a logo; logo such as Motorola logo as depicted in the picture is a registered trade mark of the company).

As per claim 3 Reber et al (5,995.105) teach said service identification tag (see fig.2, item 40 that disclose an identification tag; col.5, lines 59-63 where examiner considers the substrate as the service identification tag), according to claim 1, wherein said identification code (see col.3, lines 17-21 where a code or identifying address or data readable by reader machine is considered as identification code by examiner) is a bar code (see fig.2, item 46; col.4, lines 26-39 where it disclose the identification code as a barcode indiscernible by most human as described in line 41-44 of col.4).

As per claim 4 Reber et al (5,995.105) teach a communication system (see fig.1 that disclose a communication system where different entity such as item 28, 32, 30, 12, 26, 20, 24 and 22 communicate with each other), comprising: a service server provided with an identification code/URL conversion table (see fig.1, item 24 which represent a node; fig.11 disclose an embodiment of the node that include a service server; col.12, lines 57-59 describe it provide resources to endures, line 61-65 disclose it has a server; lines 66-67 and col.13, lines 1-17disclose that code is converted to an electronic address; fig.11, item 152 disclose the conversion table and finally col.9, lines 2-6 where it also disclose that code is converted to an electronic address);an information transmission server provided with an information storage (see col.10, lines 11-15 where an storage medium stores files and the storage medium is local to file transfer protocol server that corresponds to information transmission server of Applicant); and a terminal unit (see fig.8) that is

Art Unit: 2132

connected through a radio or wire communication network to said information transmission server (see col.9, lines 21-33 disclose that communication network may be wired or wireless; col.8, lines 39-58 also describes a radio frequency capabilities of the network and since servers are part of the network it is inherent that such capabilities of wired or wireless communication does include those devices), said terminal unit having a function for communicating with a web server (see col.18-21 where a function of connection to a WAIS server that corresponds to a web server is disclosed); wherein said terminal unit makes a unique link to said service server to be predetermined (see col.9, lines 54-61; col.10, lines 3-7 and 11-21; fig.11 where link from the end user to a service server that stores a database that holds URL conversion table based on codes is disclosed and it is unique and predetermined since it linked to the resource based on navigation instruction as outlined in line 3-4 of col.10), reads an identification code from a service identification tag (see col.3, lines 17-21 where a code or identifying address or data readable by reader machine is considered as identification code by examiner; see item 16 and 30 of fig.1 and item 46 of fig.2 where item 46 of fig.2 represent an identification code readable by item 16 and 30 of fig.1 that act as reading unit; col.4, lines 26-46 where identification code such as bar code that is readable by a reader unit id detailed) that is composed of an exclusive graphic pattern that can be recognized by a human (see fig.2, item 42 and 48 that disclose a graphic pattern, also item 44 that disclose logo where it is recognizable by human; see fig.1, item 14 and 18 that disclose the image is recognizable by human; col.3, lines 63-67 and col.4, lines 1-

Art Unit: 2132

24 where detailed description of human recognizable graphic pattern such as logo or image is disclosed) and said identification code that can be read by a reading unit (see col.3, lines 17-21 where a code or identifying address or data readable by reader machine is considered as identification code by examiner; item 16 and 30 of fig.1 and item 46 of fig.2 where item 46 of fig.2 represent an identification code readable by item 16 and 30 of fig.1 that act as reading unit; col.4, lines 26-46 where identification code such as bar code that is readable by a reader unit id detailed), sends the identification code to said service server (see fig.10, items 130-134; col.6, lines 11-20 where the identification code that represent a URL for the node 24 via network 20), and receives the URL information of said information transmission server corresponding to the identification code from service server (see col.8, lines 8-14 where the service provider. Here the service server provides URL information or content to the end user 28).

As per claim 5 Reber et al (5,995.105) teach the communication system, according to claim 4, wherein: said terminal unit makes a link to said information transmission server located at the URL received from said service server (see col.10, lines 11-15 where an storage medium stores files and the storage medium is local to file transfer protocol server that corresponds to information transmission server of Applicant; fig.8; col.9, lines 21-33 disclose that communication network may be wired or wireless to network devices such as end user or terminal; col.6, lines 13-16 where the second URL is the information received from the service server that

corresponds to the first URL), and obtains information stored in the information storage of said information transmission server (**see col.10, lines 12-18 where the information stored in the FTP server that corresponds to transmission server is obtained**).

As per claim 7 Reber et al (5,995.105) teach an information service system (see col.2, lines 38-41 where it disclose the invention as a system for end users to access resources or information), comprising: means for using a service identification tag (see fig.2, item 40 that disclose an identification tag; col.5, lines 59-63 where examiner considers the substrate as the service identification tag) that is composed of an exclusive graphic pattern that can be recognized by a human (see fig.2, item 42 and 48 that disclose a graphic pattern, also item 44 that disclose logo where it is recognizable by human; see fig.1, item 14 and 18 that disclose the image is recognizable by human; col.3, lines 63-67 and col.4, lines 1-24 where detailed description of human recognizable graphic pattern such as logo or image is disclosed) and an identification code that can be read by a reading unit (see col.3, lines 17-21 where a code or identifying address or data readable by reader machine is considered as identification code by examiner; see item 16 and 30 of fig.1 and item 46 of fig.2 where item 46 of fig.2 represent an identification code readable by item 16 and 30 of fig.1 that act as reading unit; col.4, lines 26-46 where identification code such as bar code that is readable by a reader unit id detailed): wherein said information service system provides a service server that

Art Unit: 2132

converts the identification code into URL information (see fig.11 where the service server has a database that holds identification codes that relates to resource location (URL) that is code 1 relates to the address of the URL 1; or code 2 converts to the address with path and file name and so on; col.13, lines 4-17; col.9, lines 2-6 where it disclose that code is converted to an electronic address), conducts the centralized management of the identification code (see col.12, lines 66-67; col.13, lines 1-8 where the use of the code which identifies a respective navigation device that relates to its correspondent URL in lines 9-17 are all stored in the database managed from a server of a node; examiner considers management of the code in the database as a centralized management of the code by the server), and guarantees the exclusive use of the identification code relating to URL of an information transmitter who requests the service of said information service system (see fig.11; col.9, lines 2-6 where it disclose that code is converted to an electronic address; and for transmission to the end user as the requestor of the content and col.8, lines 8-14) and the exclusive use of the graphic pattern (see col.8, lines 59-65 where the logo of Motorola is included and can be used exclusively to connect to a resource which provides information about Motorola; col.9, lines 7-19 where a logo is included which is a graphic pattern recognizable by human for exclusive use by a predetermined web browser).

As per claim 8 Reber et al (5,995.105) teach said service identification tag (see fig.2, item 40 that disclose an identification tag; col.5, lines 59-63 where examiner

considers the substrate as the service identification tag), according to claim 7 wherein: said exclusive graphic pattern is a service mark that is set to be a registered trademark (see fig.2, items 44, 48; fig.3, item 53, 51 or fig.4, item 58 or fig.7, item 82; col.3, lines 63-67 and col.4, lines 1-9 where human recognizable graphic is included in the substrate or (service identification tag) and col.4, lines 14-16 disclose the graphic image could be a logo; logo such as Motorola logo as depicted in the picture is a registered trade mark of the company).

As per claim 9 Reber et al (5,995.105) teach said service identification tag (see fig.2, item 40 that disclose an identification tag; col.5, lines 59-63 where examiner considers the substrate as the service identification tag), according to claim 7 wherein said identification code (see col.3, lines 17-21 where a code or identifying address or data readable by reader machine is considered as identification code by examiner) is a bar code (see fig.2, item 46; col.4, lines 26-39 where it disclose the identification code as a barcode indiscernible by most human as described in line 41-44 of col.4).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclose or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al (5,995,105) in view of Reber et al (6,081,827 A).

As per claim 6 Reber et al (5,995,105 A) teach the communication system, according to claim 4, wherein: said terminal unit composed of an identification tag reading means **(see fig.8, items 98, 102 and 104; col.9, lines 47-53 different type of tag reading means and as applied to claim 4 above)** conducting the pattern recognition of the graphic pattern **(see col.10, lines 44-48 where by optically scanning the graphic pattern is recognized and as applied to claim 4 above)**, and an automatic calling means for automatically making a call to said service server **(see col.5, lines 8-13; col.10, lines 56-60 where connection to service provider may contain a dial up routine and as applied to claim 4 above)** when the graphic pattern read by said identification tag reading means **(see fig.1 and 8 where the pattern is being read by a reader machine and as applied to claim 4 above)** but do not disclose explicitly the graphic pattern read is coincides with a graphic pattern that is in advance stored in storing part of said terminal unit. However Reber et al in another patent, patent number 6,081,827 A disclose a network navigation method that employs bar code readers or machine readable data where the data reader may employ optical scanner or business card reader capable of reading data and images **(see col.5, lines 28-41 which represent the same environment of Reber's 5,995,105 A patent)** where graphic pattern read is coincides with a graphic pattern that is in advance stored in storing part

of said terminal unit (see col.6, lines 23-32 where the database that holds plurality of the records associated with electronic addresses and where database determines the electronic addresses by matching the machine readable data with one of the records, therefore the data read coincides with data stored in the data base and lines 23-26 is explicit that data base could be local (to the terminal) or external. Reber further disclose in col.9, lines 49-53 that data or records may be human readable image such as picture, therefore matching of the records or data could be in graphic pattern format. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize graphic pattern matching procedures of Reber's 6,081,827 method in Reber's 5,995,105 network resource access system in order to retrieve the electronic address based upon at least a portion of the records read from a bar code reader or a readable machine.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. U.S.Patent No. US (5,930,767 A) teach transaction methods systems and devices.
- b. U.S.Patent No. US (5,938,726 A) teach apparatus for reading an electronic network navigation device and peripheral for use therewith.


- c. U.S. Patent No. US (5,986,651 A) teach method, system and article of manufacture for producing a network navigation device.
- d. U.S. Patent No. US (5,940,595 A) teach electronic network navigation device and method for linking to an electronic address therewith.
- e. U.S. Patent No. US (5,640,193 A) teach multimedia server access by reading marks on an object.
- f. U.S. Patent No. US (6,148,331 A) teach destination website access and information gathering system.
- g. U.S. Patent No. US (5,978,773 A) teach system and method for using an ordinary article of commerce to access a remote computer.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

Application/Control Number: 09/684,334
Art Unit: 2132

Page 16

<http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

07/20/04